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Docket No.: 163-571IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT OPERATION

In re Application of:

Isabella Venturini

Serial No.: 10/510,383

Filed: March 30, 2005

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)  
) Group Art Unit: 1609  
)  
) Examiner: CUTLIFF, YATE KAI RENE  
)  
)) For: **ANALOGOUS COMPOUNDS OF STROBILURINES AND THEIR USE AS  
ACARICIDES AND INSECTICIDES**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**DECLARATION UNDER 37 CFR§1.132**

Sir:

I, Isabella Venturini declare that I am the inventor named in the above identified patent application and that I am a Chemist and that I hold a degree in Chemistry from the University of Pavia (Italy). The following comparative tests have been carried out under my personal supervision.

The following compounds according to the present invention were tested as described herein. In the Table these compounds are identified by the number which is in parentheses before the compound which is the same number used to identify the test compounds in the above identified specification:

(No.7) methyl (E)-2-[2-(4-cyclobutylmethoxy-3,5-dichlorophenoxymethyl)phenyl]-3-methoxyacrylate;

(No. 13) methyl (E)-2-[2-(4-cyclohexylmethoxy-3,5-dichlorophenoxymethyl) phenyl]-3-methoxyacrylate ;

(No. 22) methyl (E)-2-[2-(3,5-dichloro-4-isopropoxyphenoxymethyl)phenyl]-3-methoxyacrylate;

(No. 25) methyl (E)-2-[2-(3,5-dichloro-4-isobutoxyphenoxymethyl)phenyl]-3-methoxyacrylate ;

(No. 34) methyl (E)-2-{2-[3,5-dichloro-4-(3-methylbutoxy)-phenoxymethyl]phenyl}-3-methoxyacrylate ;

(No. 46) methyl (E)-2-{2-[3,5-dichloro-4-(2-ethoxyethoxy)-phenoxymethyl]phenyl}-3-methoxyacrylate ;

(No.64) methyl (E)-2-{2-[3,5-dichloro-4-(1,1,2,3,3,3-hexafluoropropoxy)phenoxymethyl]phenyl}-3-methoxyacrylate;

(No.67) methyl (E)-2-{2-[3,5-dichloro-4-(2-trifluoromethoxy-1,1,2-trifluoroethoxy)phenoxy-methyl]phenyl}-3-methoxyacrylate;

(No 94) methyl (E)-2-{2-[3,5-dichloro-4-(2-propynyloxy)-phenoxymethyl]phenyl}-3-methoxyacrylate ;

(No.100) methyl (E)-2-{2-[3,5-dichloro-4-(3,3-dichloroprop-2-enyloxy)phenoxymethyl]- phenyl}-3-methoxyacrylate;

(No.112) methyl (E)-2-{2-[4-(2,2-dichlorocyclopropylmethoxy)-3,5-dichlorophenoxymethyl]-phenyl}-3-methoxyacrylate ;

(No. 115) methyl (E)-2-{2-[3,5-dichloro-4-(3-chloro-4,4,4-trifluorobut-2-enyloxy)phenoxy-methyl]phenyl}-3-methoxyacrylate;

(No.136) methyl (E)-2-{2-[(2,4-dichloro-5-(3,3-dichloroprop-2-enyloxy)phenoxy)methyl]-phenyl}-3-methoxyacrylate;

(No. 142) methyl (E)-2-{2-[3,5-dichloro-4-(3,3-dimethylbutoxy)phenoxy)methyl] phenyl}-3-methoxyacrylate;

(No. 145) methyl (E)-2-{2-[3,5-dichloro-4-(2,4-dichlorobenzoyloxy)phenoxy)methyl] phenyl}-3-methoxyacrylate ;

(No. 146) methyl (E)-2-{2-[3,5-dichloro-4-(4-chlorobenzoyloxy)-phenoxy)methyl] phenyl}-3-methoxyacrylate.

The following reference compounds were tested as described herein. In the Table these compounds are identified by the number which is in parentheses before the compound ;

(No. RC1) methyl (E)-2-[2-(2,5-dichlorophenoxy)methyl]phenyl]-3-methoxyacrylate;  
(compound 4 of EP 335519)

(No. RC2) methyl (E)-2-[2-(3,4-dichlorophenoxy)methyl]phenyl]-3-methoxyacrylate;  
(compound 5 of EP 335519, also corresponding to compound 45 of US 5,021,581)

(No. RC3) methyl (E)-2-[2-(5-chloro-3-methoxyphenoxy)methyl]phenyl]-3-methoxyacrylate;  
(compound 10 of EP 335519, also corresponding to compound 167 of US 5,021,581)

(No. RC4 ) methyl (E)-2-[2-(2,6-dichloro-4-methylphenoxy)methyl]phenyl]-3-methoxyiminoacetate;  
(compound 1.197 of U.S. 5,145,980)

Each of the listed compounds was tested according to the method of Example 5 of the above identified application, at the rates of: 500/200/100/50 ppm for adults and 200/100/50/25 ppm for eggs + larvac.

The results of acaricidal activity against *Tetranychus urticae* are reported in the Table as a percent of the adults and eggs+larvae killed by the compounds:

Compound No	Adults	Eggs + Larvae
	ppm: 500/200/100/50	ppm: 200/100/ 50/25
7	100/100/100/98	100/100/100/100
13	100/100/100/100	100/100/100/100
22	100/100/100/90	100/100/100/100
25	100/100/100/93	100/100/100/100
34	100/100/100/100	100/100/100/100
46	100/100/100/94	100/100/100/100
64	100/100/100/100	100/100/100/100
67	100/100/100/100	100/100/100/100
94	100/100/100/82	100/100/100/100
100	100/100/100/100	100/100/100/100
112	100/100/100/100	100/100/100/100
115	100/100/100/100	100/100/100/100
136	100/100/100/92	100/100/100/100
142	100/100/100/100	100/100/100/100
145	100/100/100/100	100/100/100/100
146	100/100/100/100	100/100/100/100
RC1	49/ 10 / 0 / 0	20 / 0 / 0 / 0
RC2	42/ 5 / 0 / 0	10 / 0 / 0 / 0
RC3	39/ 8 / 0 / 0	18 / 0 / 0 / 0
RC4	n.t. / 0 / 0 / 0	n.t. / 0 / 0 / 0

n.t. = not tested

The test results demonstrate that the compounds that have a phenoxy ring which is substituted in position 3 ( $X_2$ ) and 5 ( $X_4$ ) by halogen atoms, and in position 4 ( $X_3=R$ ) by either an alkoxy, alkoxyalkoxy, cycloalkylalkoxy, alkenyloxy, alkynyloxy or benzyloxy group which are optionally

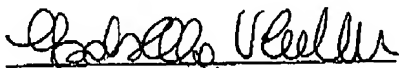
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substituted by halogen atoms, have an unexpectedly high acaricidal activity.

The test data for compound No. 136 shows that, when the phenyl ring is contemporaneously substituted in position 2 ( $X_1$ ) and 4 ( $X_3$ ) by halogen atoms and in position 5 ( $A_4 = R$ ) by an oxy group, unexpectedly high activity is obtained.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application and of any patent issued thereon.

Dated: 12/11/2007

Isabella Venturini